

REMARKS

Claims 1-72 were examined. The Patent Office believes the Application contains claims directed to the following patentably distinct species:

- A. Figures 1a-1c, 2b, 2c
- B. 1d-1e
- C. 1f
- D. 2a, 1a
- E. 3-4
- F. 5a-5e
- G. 6-8
- H. 9
- I. 10a
- J. 10b
- K. 10c
- L. 11a-11b
- M. 12a
- N. 12b-12c
- O. 12d
- P. 12e
- Q. 13-15
- R. 13, 16-18
- S. 19-22
- T. 23-26
- U. 27
- V. 28-33
- W. 34-39
- X. 40-42
- Y. 43-47
- Z. 48-51
- A(i) 52-53
- B(i) 54

The Patent Office requires an election of a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

In response to the species restriction, Applicant elects species A. Applicant, however, traverses the grouping of the figures as set forth by the Patent Office for species A. Applicant believes species A should include at least **Figures 1A-1C, 1F, 2A and 5A.**

The Patent Office believes species A should include **Figures 2B and 2C**. It is noted, however, that **Figures 2B and 2C** correspond to, in one embodiment, **Figures 1D and 1E**, which are not considered figures within group A. See Application at page 22, paragraph 0113. Of the figures noted by Applicant considered to be in group A, **Figure 1F** shows an embodiment of a connection of aptation device to a tether which is consistent with the embodiment shown in **Figure 1**. See Application at page 19, paragraph 0109. **Figure 2A** shows the assembly of **Figure 1A** disposed within a catheter lumen. See Application at page 20-21, paragraph 0111. **Figure 5A** shows a connection of a proximal end of a tether to, for example, a septum. See Application, page 25, paragraphs 0121 and 0122.

The Patent Office also requests a listing of all claims readable on the elected species. Applicant believes at least claims 1-13, 17-19, 22-23, 28-32 and 70-71 are readable on the elected species. With regard to use of the species, Applicant believes at least claims 33-41 and 45 read on the elected species. Finally, Applicant believes claims 1, 33, 46 and 70 are generic for a number of species.

In summary, Applicant traverses the classification of species to the extent that species A is limited to **Figures 1A-1E and 2B-2C** for the reasons stated above. Applicant respectfully requests that the Patent Office reconsider the classification.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Nedy Calderon
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10/13/05
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